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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12
13 CHARLA CONN, et al.

14 Plaintiffs

15 v.

16 CITY OF RENO et al,

17 Defendants.
18
19 _____/

Case No. 3:05-cv-00595 HDM (RAM)

**EX PARTE APPLICATION FOR ORDER
DECLARING CHARLA CONN THE
“NEXT OF KIN” FOR THE
PURPOSE OF OBTAINING MENTAL
HEALTH RECORDS FOR HER
DECEASED MOTHER BRENDA
CLUSTKA; ORDER**

20 For purposes of this § 1983 jail suicide case, it is necessary to obtain Brenda Clustka's
21 mental health records. Ms. Clustka was a patient at the Nevada Mental Health Institute on Galletti
22 Way in Sparks, Nevada. Plaintiff CHARLA CONN, Ms. Clustka's daughter, has been appointed
23 Special Administrator for the estate of her mother. (See Exhibit 1). Also attached is a true and
24 correct copy of the death certificate of the decedent Brenda Jean Clustka (Exhibit 2).

25 Unfortunately, according to Eveyln Gilbert, supervisor of the Medical Records Department
26 at the Mental Health Institute, presentation of Ms. Clustka's death certificate and Ms. Conn's Order
27 appointing her special administrator is insufficient for plaintiff's counsel to obtain the mental health
28

1 records. Ms. Conn must also present either her birth certificate or a court order appointing her "next
2 of kin" for her counsel to obtain the records. Ms. Conn is in Portland, Oregon and does not have
3 handy her mother's birth certificate. Accordingly, Plaintiff Conn seeks a court order that she is
4 "next of kin" for the purpose of obtaining her deceased mother's mental health records.

5 Dated: This 25 day of 2006.

6
7 
8 TERRI KEYSER-COOPER
9 DIANE K. VAILLANCOURT
Attorneys for Plaintiff

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12 **ORDER**

13
14 It is so ordered. This Court hereby declares the Plaintiff Charla Conn as "next of kin" for
15 purposes of obtaining the mental health records of the decedent Brenda Jean Clustka.

16
17 Dated this 25th day of April, 2006

18 
UNITED STATES MAGISTRATE JUDGE

19 IT IS FURTHER ORDERED that this Application and Order shall be served on counsel for Defendants.

20 DATED: April 25, 2006.

21 
22 UNITED STATES MAGISTRATE JUDGE
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7 *Attorneys for Charla Conn*

FILED

SEP 13 2005

RONALD A. LONGTIN, JR., CLERK

By: P. Stevens
DEPUTY

8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
9 **IN AND FOR THE COUNTY OF WASHOE**

PR05 00395

Case No.

Dept. No. PR

Hearing Date:

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11
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13 In the Matter of the estate of
14 BRENDA JEAN CLUSTKA,
15 Deceased.

ORDER APPOINTING SPECIAL
ADMINISTRATOR

16
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18 **ORDER APPOINTING SPECIAL ADMINISTRATOR**

19 Upon the ex parte application of Terri Keyser-Cooper, Esq., attorney for the above-entitled
20 Estate, and upon submission of a verified Petition for Letters of Special Administration, representing
21 as follows:

22 1. The Decedent, Brenda Jean Cluska, died on or about April 28, 2005, in the County of
23 Washoe, State of Nevada.

24 2. The Decedent, at the time of her death, was a resident of the County of Washoe, State of
25 Nevada; and the Decedent had no assets subject to administration, but good cause exists for the
26 appointment of a personal representative of the Decedent. Appointment of a personal representative
27 is necessary in order to enable the bringing of a lawsuit for wrongful death of the Decedent.

28 3. The Decedent left no Will or Testament and died intestate. Petitioner Charla Conn is the
daughter and heir of Decedent with right of priority to the Estate.

1
ETH 1

1 4. There is no person authorized to care for the Estate and to pursue the right of action on
2 behalf of the Estate; and there is danger of the same being neglected and greatly damaged thereby for
3 inability to pursue legal redress for the wrongful death of Decedent. Petitioner requested that she be
4 authorized to immediately take charge of and care for said Estate's right of action for wrongful death.

5 5. Petitioner is qualified, having never been convicted of a felony, and is willing to act as
6 Special Administrator of the Estate and to protect the Estate's right of action until an
7 Executor/Administrator can properly be appointed at a later date.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the said Petitioner be, and
9 hereby is, appointed as special administrator of the Estate of Brenda Clustka, deceased; and that
10 Letters of Special Administration be issued to said Petitioner upon her taking the oath of office.

11 IT IS FURTHER ORDERED that all money received by this estate will be placed in the
12 attorney's trust account until further order by the Court.

13 IT IS FURTHER ORDERED that the settlement of the decedent's lawsuit is subject to this
14 Court's approval.

15
16 IT IS SO RECOMMENDED this 9 day of September, 2005,

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18 Lynne K. Simons
19 PROBATE COMMISSIONER

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21 IT IS SO ORDERED this 12 day of September, 2005,

22 Steven R. Kosach
23 PROBATE JUDGE

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25 Submitted by:

26 LAW OFFICE OF TERRI KEYSER-COOPER

27 By Terri Keyser-Cooper
28 Terri Keyser-Cooper
Attorney for Charla Conn

WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

VITAL STATISTICS

Reno, Nevada

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES DIVISION OF HEALTH — SECTION OF VITAL STATISTICS CERTIFICATE OF DEATH

ROLL 118 IMAGE 196

1355

STATE FILE NUMBER

COUNTY OF DEATH

3a. Washoe

TYPE
OR PRINT
IN
PERMANENT
BLACK INK

DECEDENT

IF DEATH
OCCURRED IN
INSTITUTION
SEE INSTRUCTIONS
REBUREAU
CONNECTION OF
RESIDENCE ITEMS

PARENTS

DISPOSITION

CERTIFIER

CONDITIONS
IF ANY
WHICH GAVE
RISE TO
IMMEDIATE
CAUSE
STATING THE
UNDERLYING
CAUSE LAST

CAUSE OF
DEATH

DECEASED — NAME First Middle Last Brenda Jean CLUSTKA		DATE OF DEATH (Month, Day, Year) April 28, 2005		STATE FILE NUMBER 1355	
CITY, TOWN OR LOCATION OF DEATH Reno		HOSPITAL OR OTHER INSTITUTION — Name (If not either, give street and number) 911 Parr Blvd.		SEX Female	
RACE — (e.g., White, Black, American Indian, etc.) (Specify) White		AGE — Last Birthday (Years) 43		DATE OF BIRTH (Mo., Day, Yr.) October 16, 1961	
STATE OF BIRTH (If not U.S.A., name country) California		CITIZEN OF WHAT COUNTRY U.S.A.		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) Never Married	
SOCIAL SECURITY NUMBER 530-72-0476		USUAL OCCUPATION (Give kind of work done during most of working life, even if retired) Waitress		SURVIVING SPOUSE (If wife, give maiden name) Never Married	
RESIDENCE — STATE Nevada		CITY, TOWN OR LOCATION Reno		STREET AND NUMBER 1695 Elmcrest Dr.	
FATHER — NAME First Middle Last Joseph DeWayne Clustka		MOTHER — MAIDEN NAME First Middle Last Donna Lou Summers		INSIDE CITY LIMITS (Specify Yes or No) Yes	
INFORMANT — NAME (Type or Print) Donna Lou Clustka		MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip) 1695 Elmcrest Dr., Reno, Nevada 89503		CITY OR TOWN Carson City, Nevada	
BURIAL, CREMATION, REMOVAL, OTHER (Specify) Cremation		CEMETERY OR CREMATORY — NAME FitzHenry's Crematory		LOCATION 89511	
FUNERAL DIRECTOR — SIGNATURE (Or Person Acting in Place) <i>[Signature]</i>		NAME AND ADDRESS OF FACILITY Washoe Memorial 5401 Longley Ln #11, Reno, Nevada		FACILITY LICENSE NUMBER 610	
21a. To the best of your knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) <i>[Signature]</i>		22a. On the basis of examination and/or investigation, in my clinical death occurred at the time, date and place and due to the cause(s) and manner stated. (Signature and Title) <i>[Signature]</i>		DATE SIGNED (Mo., Day, Yr.) May 5, 2005	
DATE SIGNED (Mo., Day, Yr.) May 5, 2005		HOUR OF DEATH 0950		PRONOUNCED DEAD (Mo., Day, Yr.) AT 0950	
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) Vernon O. McCarty, Coroner, P.O. Box 11130, Reno, Nevada 89520		NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) Vernon O. McCarty, Coroner, P.O. Box 11130, Reno, Nevada 89520		LICENSE NUMBER WCC S. 35	
REGISTRAR <i>[Signature]</i>		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.) May 5, 2005		DEATH DUE TO COMMUNICABLE DISEASE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c)) (a) Hanging		INTERVAL BETWEEN ONSET AND DEATH		INTERVAL BETWEEN ONSET AND DEATH	
26. OTHER SIGNIFICANT CONDITIONS — Conditions contributing to death but not resulting in the underlying cause given in Part 1. Detention Center		AUTOPSY (Specify Yes or No) Yes		WAS CASE REFERRED TO CORONER (Specify Yes or No) Yes	
28a. DATE OF INJURY (Mo., Day, Yr.) Apr. 28, 2005		HOUR OF INJURY 0917		DESCRIBE HOW INJURY OCCURRED Hanged self with bed sheet	
28b. PLACE OF INJURY — At home, farm, street, factory, office, building, etc. (Specify) Detention Center		LOCATION — STREET OR R.F.D. No., CITY OR TOWN, STATE 911 Parr Boulevard, Reno, Nevada		STATE Nevada	

No. 283315

STATE REGISTRAR

This is to certify that the above is a true and legal copy of the certificate on file in this office.

Deputy Registrar:

Date: JUN 24 2005

WARNING: IT IS ILLEGAL TO ALTER OR COPY THIS DOCUMENT

EXH 2